

AMENDED IN SENATE MAY 23, 2001

**SENATE BILL**

**No. 610**

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**Introduced by Senator Costa**

February 22, 2001

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An act to amend Section 21151.9 of the Public Resources Code, and to amend Sections 10635, 10910, 10911, 10912, and 10915 of, and to repeal Section 10913 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 610, as amended, Costa. Water supply planning.

(1) Existing law requires every urban water supplier to include as part of its urban water management plan an assessment of the reliability of its water service to its customers.

This bill would require additional information to be included as part of an urban water management plan for urban water suppliers whose water supply includes groundwater.

(2) Existing law, under certain circumstances, requires a city or county that determines an environmental impact report is required in connection with a project, as defined, to request each public water system that may supply water for the project to assess, among other things, whether its total projected water supplies will meet the projected water demand associated with the proposed project. Existing law requires the public water system to submit the assessment to the city or county not later than 30 days from the date on which the request was received and, in the absence of the submittal of an assessment, provides that it shall be assumed that the public water system has no information to submit. Existing law makes legislative findings and declarations concerning "Proposition C," a measure approved by the voters of San Diego County relating to regional growth management, and provides

that the procedures established by a specified review board established in connection with that measure are deemed to comply with the requirements described above relating to water supply planning by a city or county.

This bill would revise ~~these~~ *those* provisions. The bill, instead, would require a city or county that determines a project is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems, *under certain circumstances*, to assess whether its total projected water supplies will meet the projected water demand associated with the proposed project. The bill would require the assessment to include, *among other information*, an identification of existing water supply entitlements, water rights, or water service contracts ~~held by the public water system relevant to the identified water supply for the proposed project and prior years~~ *received in prior years by the public water system pursuant to those entitlements, rights, and contracts. The bill would require the city or county, if it is not able to identify any public water system that may supply water for the project, to prepare the water supply assessment.* The bill would revise the definition of “project,” for the purposes of these provisions, and make related changes.

The bill would ~~require~~ *authorize* the city or county, if a public water system does not submit the assessment within 90 days, to ~~request the Department of Water Resources to submit the assessment to the city or county not later than 90 days from the date on which the request was received. The bill would provide for the recovery of the costs incurred by the department in connection with the preparation of the assessment~~ *seek a writ of mandamus to compel the governing body of the public water system to comply with the requirements relating to the submission of the water supply assessment.* The bill would require the city or county to include the water supply assessment and *certain* other ~~prescribed~~ information in any environmental document prepared for the project pursuant to the act. By establishing duties for counties and cities, the bill would impose a state-mandated local program.

The bill would provide that the County of San Diego is deemed to comply with these water supply planning requirements if the Office of Planning and Research determines that certain requirements have been met in connection with the implementation of “Proposition C.”

(3) ~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.~~



~~Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) The length and severity of droughts in California cannot be  
4 predicted with any accuracy.

5 (2) There are various factors that affect the ability to ensure that  
6 adequate water supplies are available to meet all of California's  
7 water demands.

8 (3) Because of these factors, it is not possible to guarantee a  
9 permanent water supply for all water users in California in the  
10 amounts requested.

11 (4) Therefore, it is critical that California's water agencies  
12 carefully assess the reliability of their water supply and delivery  
13 systems.

14 (5) Furthermore, California's overall water delivery system  
15 has become less reliable over the last 20 years because demand for  
16 water has continued to grow while supplies available for  
17 consumptive uses have decreased.

18 (6) With increasing frequency, California's water agencies are  
19 required to impose water rationing on their residential and

1 business customers during this state's frequent and severe periods  
2 of drought.

3 (7) The identification of water supplies needed during  
4 multiple-year droughts is vital to California's business climate, as  
5 well as to the health of the agricultural industry, environment, rural  
6 communities, and residents who continue to face the possibility of  
7 severe water cutbacks during water shortage periods.

8 (8) It appears that the water supply and land use planning  
9 linkage, established by Part 2.10 (commencing with Section  
10 10910) of Division 6 of the Water Code, has not been implemented  
11 in a manner that ensures the appropriate level of communication  
12 and the necessary information to understand water supply  
13 availability is not consistently reaching the governing bodies of the  
14 affected organizations in order for decisions to be made with  
15 regard to development and water supply availability within local  
16 communities.

17 (b) It is the intent of the Legislature to strengthen the process  
18 pursuant to which cities and counties determine the adequacy of  
19 existing and planned future water supplies to meet existing and  
20 planned future demands on those water supplies.

21 SEC. 2. Section 21151.9 of the Public Resources Code is  
22 amended to read:

23 21151.9. Whenever a city or county determines that a project,  
24 as defined in Section 10912 of, ~~and described in Section 10910 of,~~  
25 the Water Code, is subject to this division, it shall comply with Part  
26 2.10 (commencing with Section 10910) of Division 6 of the Water  
27 Code.

28 SEC. 3. Section 10635 of the Water Code is amended to read:

29 10635. (a) Every urban water supplier shall include, as part  
30 of its urban water management plan, an assessment of the  
31 reliability of its water service to its customers during normal, dry,  
32 and multiple dry water years. This water supply and demand  
33 assessment shall compare the total water supply sources available  
34 to the water supplier with the total projected water use over the  
35 next 20 years, in five-year increments, for a normal water year, a  
36 single dry water year, and multiple dry water years. The water  
37 service reliability assessment shall be based upon the information  
38 compiled pursuant to Section 10631, including available data from  
39 state, regional, or local agency population projections within the  
40 service area of the urban water supplier.



~~(b) In addition to the information provided pursuant to subdivision (a), for urban water suppliers whose water supply includes groundwater, the following additional information shall be provided as part of its urban water management plan:~~

~~(1) An identification and description of the other users of the groundwater basin and the historical water use patterns of those other users during normal, single dry, and multiple dry water years.~~

~~(2) An estimate of the maximum quantity of water that can be continuously withdrawn from the groundwater basin without adverse effect.~~

~~(3) An identification as to whether the groundwater basin is overdrafted and a description of the known and anticipated effects of the overdraft condition.~~

~~(4) A description of any groundwater management programs that have been implemented, including any strategies to monitor groundwater levels and extractions and the development of any cooperative arrangements among basin users to minimize or eliminate problem conditions.~~

*(b) For urban water suppliers whose water supply includes groundwater, the following information shall be provided as part of the assessment required pursuant to subdivision (a):*

*(1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.*

*(2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or in critical condition in its Bulletin 118 series and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.*

1 (3) *A detailed description and analysis of the amount and*  
2 *location of groundwater pumped by the urban water supplier for*  
3 *the past five years.*

4 (c) The urban water supplier shall provide that portion of its  
5 urban water management plan prepared pursuant to this article to  
6 any city or county within which it provides water supplies no later  
7 than 60 days after the submission of its urban water management  
8 plan.

9 (d) Nothing in this article is intended to create a right or  
10 entitlement to water service or any specific level of water service.

11 (e) Nothing in this article is intended to change existing law  
12 concerning an urban water supplier's obligation to provide water  
13 service to its existing customers or to any potential future  
14 customers.

15 SEC. 4. Section 10910 of the Water Code is amended to read:

16 10910. (a) Any city or county that determines that a project,  
17 as defined in Section 10912, is subject to the California  
18 Environmental Quality Act (Division 13 (commencing with  
19 Section 21000) of the Public Resources Code) under Section  
20 21080 of the Public Resources Code shall comply with this part .

21 (b) The city or county, at the time that it determines whether an  
22 environmental impact report, a negative declaration, or a  
23 mitigated negative declaration is required for any project subject  
24 to the California Environmental Quality Act pursuant to Section  
25 21080.1 of the Public Resources Code, shall identify any water  
26 system that is, or may become, a public water system, as defined  
27 in Section 10912, that may supply water for the project. If the city  
28 or county is not able to identify any public water system that may  
29 supply water for the project, ~~the city or county shall request the~~  
30 ~~department to comply with this part.~~

31 ~~(c) project, the city or county shall prepare the water~~  
32 ~~assessment required by this part after consulting with the local~~  
33 ~~agency formation commission and any public water system~~  
34 ~~adjacent to the project site.~~

35 (c) (1) The city or county, at the time it makes the  
36 determination required under Section 21080.1 of the Public  
37 Resources Code, shall request each public water system identified  
38 pursuant to subdivision (b) to ~~assess~~ *determine* whether the  
39 projected water demand associated with a proposed project was  
40 included as part of the most recently adopted urban water

management plan adopted pursuant to Part 2.6 (commencing with Section 10610). ~~As part of that assessment, the public water system shall indicate whether its total projected water supplies available during normal, single dry, and multiple dry water years included in the 20-year projection contained in the urban water management plan will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses. The~~

*(2) If the projected water demand of the project was described in the most recently adopted urban water management plan, the public water system shall comply with subdivisions (d), (e), (f), and (g). If the projected water demand of the project was not described in the most recently adopted urban water management plan, or the public water system has no urban water management plan, or the city or county is required to comply with this part pursuant to subdivision (b), the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single-dry, and multiple-dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.*

*(d) (1) The assessment shall also include an identification of any existing water supply entitlements, water rights, or water service contracts held by the public water system relevant to the identified water supply for the proposed project, and a description of the quantities of prior years' water deliveries received water deliveries received in prior years by the public water system under the existing water supply entitlements, water rights, or water service contracts.*

~~(d)~~

*(2) An identification of existing water supply entitlements, water rights, or water service contracts held by the public water system shall be demonstrated by providing information related to all of the following:*

~~(1)~~

*(A) Written contracts or other proof of entitlement to an identified water supply.*

~~(2)~~



1 (B) Copies of a capital outlay program for financing the  
2 delivery of a water supply, that has been adopted by the public  
3 water system.

4 ~~(3)–~~

5 (C) Federal, state, and local permits for construction of  
6 necessary infrastructure associated with delivering the water  
7 supply.

8 ~~(4)–~~

9 (D) Any necessary regulatory approvals that are required in  
10 order to be able to convey or deliver the water supply.

11 ~~(e) If no prior years' water deliveries have been received by the~~

12 ~~(e) If no water deliveries have been received in prior years by~~  
13 ~~the public water system under the existing water supply~~  
14 ~~entitlements, water rights, or water service contracts, the public~~  
15 ~~water system shall also include in its water supply assessment~~  
16 ~~pursuant to subdivision (c), an identification of the other public~~  
17 ~~water systems or water service contract holders that receive a water~~  
18 ~~supply or have existing water supply entitlements, water rights, or~~  
19 ~~water service contracts, to the same source of water as the public~~  
20 ~~water system has identified as a source of water supply within its~~  
21 ~~water supply assessments.~~

22 ~~(f) In addition to the information provided pursuant to~~  
23 ~~subdivision (c), a public water system whose water supply~~  
24 ~~includes groundwater shall also provide the following~~  
25 ~~information:~~

26 ~~(1) An identification and description of the other users of the~~  
27 ~~groundwater basin and the historical water use patterns of those~~  
28 ~~other users during normal, single dry, and multiple dry water~~  
29 ~~years.~~

30 ~~(2) An estimate of the maximum quantity of water that can be~~  
31 ~~continuously withdrawn from the groundwater basin without~~  
32 ~~adverse effect.~~

33 ~~(3) An identification as to whether the groundwater basin is~~  
34 ~~overdrafted and a description of the known and anticipated effects~~  
35 ~~of the overdraft condition.~~

36 ~~(4) A description of any groundwater management programs~~  
37 ~~that have been implemented, including any strategies to monitor~~  
38 ~~groundwater levels and extractions and the development of any~~  
39 ~~cooperative arrangements among basin users to minimize or~~  
40 ~~eliminate problem conditions.~~



1 (f) If a water supply for a proposed project includes  
2 groundwater, the following additional information shall be  
3 included in the water supply assessment:

4 (1) A copy of any groundwater management plan adopted by  
5 the urban water supplier, including plans adopted pursuant to Part  
6 2.75 (commencing with Section 10750), or any other specific  
7 authorization for groundwater management.

8 (2) A description of any groundwater basin or basins from  
9 which a court or the board the proposed project will be supplied.  
10 For those basins for which a court or the board has adjudicated  
11 the rights to pump groundwater, a copy of the order or decree  
12 adopted by the court or the board and a description of the amount  
13 of groundwater the urban water supplier has the legal right to  
14 pump under the order or decree. For basins that have not been  
15 adjudicated, information as to whether the department has  
16 identified the basin or basins as overdrafted or in critical condition  
17 in its Bulletin 118 series and a detailed description by the urban  
18 water supplier of the efforts being undertaken to eliminate the  
19 long-term overdraft condition.

20 (3) A detailed description and analysis of the amount and  
21 location of groundwater pumped by the urban water supplier for  
22 the past five years.

23 (g) (1) The governing body of each public water system shall  
24 approve the assessment prepared pursuant to subdivision (c), at a  
25 regular or special meeting and submit the assessment to the city or  
26 county not later than 90 days from the date on which the request  
27 was received.

28 (2) If the governing body does not approve and submit the  
29 assessment within 90 days, the city or county ~~shall request the~~  
30 ~~department to prepare the assessment pursuant to subdivision (c)~~  
31 ~~and the department shall submit the assessment to the city or~~  
32 ~~county not later than 90 days from the date on which the request~~  
33 ~~was received.~~

34 ~~(3) The Controller shall deduct the amount of any costs~~  
35 ~~incurred by the department in preparing the assessment pursuant~~  
36 ~~to paragraph (2), as those costs are determined by the department~~  
37 ~~and submitted to the Controller, from any appropriation to, or for~~  
38 ~~the benefit of, the public water system for which the assessment~~  
39 ~~was prepared until the total cost of the assessment has been~~  
40 ~~recovered by the state. may seek a writ of mandamus to compel the~~

1 governing body of the public water system to comply with the  
2 requirements of this part relating to the submission of the water  
3 supply assessment.

4 (h) Notwithstanding any other provision of this part, if a project  
5 has been the subject of a water supply assessment that complies  
6 with the requirements of this part, no additional water supply  
7 assessment shall be required unless one or more of the following  
8 changes occurs:

9 (1) Substantial changes in the project.

10 (2) Substantial changes in the circumstances or conditions  
11 under which the project is being undertaken.

12 (3) Significant new information becomes available which was  
13 not known and could not have been known at the time when the  
14 assessment was prepared.

15 SEC. 5. Section 10911 of the Water Code is amended to read:

16 10911. (a) If, as a result of its assessment, the public water  
17 system concludes that its water supplies are, or will be,  
18 insufficient, the public water system shall provide to the city or  
19 county its plans for acquiring additional water supplies, setting  
20 forth the measures that are being undertaken to acquire and  
21 develop those water supplies. Those plans may include, but are not  
22 limited to, information concerning all of the following:

23 (1) The estimated total costs, and the proposed method of  
24 financing the costs, associated with acquiring the additional water  
25 supplies.

26 (2) All federal, state, and local permits, approvals, or  
27 entitlements that are anticipated to be required in order to acquire  
28 and develop the additional water supplies.

29 (3) Based on the considerations set forth in paragraphs (1) and  
30 (2), the estimated timeframes within which the public water  
31 system expects to be able to acquire additional water supplies.

32 (b) The city or county shall include the water supply  
33 assessment provided pursuant to Section 10910, and any  
34 information provided pursuant to subdivision (a), in any  
35 environmental document prepared for the project pursuant to  
36 Division 13 (commencing with Section 21000) of the Public  
37 Resources Code.

38 (c) The city or county may include in any environmental  
39 document an evaluation of any information included in that  
40 environmental document provided pursuant to subdivision (b).



1 The city or county shall determine, based on the entire record,  
2 whether projected water supplies will be sufficient to satisfy the  
3 demands of the project, in addition to existing and planned future  
4 uses. If the city or county determines that water supplies will not  
5 be sufficient, the city or county shall include that determination in  
6 its findings for the project.

7 SEC. 6. Section 10912 of the Water Code is amended to read:

8 10912. For the purposes of this part, the following terms have  
9 the following meanings:

10 (a) “Project” means any of the following:

11 (1) A proposed residential development of more than 500  
12 dwelling units.

13 (2) A proposed shopping center or business establishment  
14 employing more than 1,000 persons or having more than 500,000  
15 square feet of floor space.

16 (3) A proposed commercial office building employing more  
17 than 1,000 persons or having more than 250,000 square feet of  
18 floor space.

19 (4) A proposed hotel or motel, or both, having more than 500  
20 rooms.

21 (5) A proposed industrial, manufacturing, or processing plant,  
22 or industrial park planned to house more than 1,000 persons,  
23 occupying more than 40 acres of land, or having more than  
24 650,000 square feet of floor area.

25 (6) A mixed-use project that includes one or more of the  
26 projects specified in this subdivision.

27 (7) A general plan, element, or amendment that provides for  
28 one or more of the projects specified in this subdivision.

29 (8) A project that would demand an amount of water equivalent  
30 to, or greater than, the amount of water required by a 500 dwelling  
31 unit project.

32 (b) If a public water system has fewer than 5,000 service  
33 connections, then “project” means any proposed residential,  
34 business, commercial, hotel or motel, or industrial development  
35 that would account for an increase of 10 percent or more in the  
36 number of the public water system’s existing service connections,  
37 or a mixed-use project that would demand an amount of water  
38 equivalent to, or greater than, the amount of water required by  
39 residential development that would represent an increase of 10

1 percent or more in the number of the public water system's existing  
2 service connections.

3 (c) "Public water system" means a system for the provision of  
4 piped water to the public for human consumption that has 3000 or  
5 more service connections. A public water system includes all of  
6 the following:

7 (1) Any collection, treatment, storage, and distribution facility  
8 under control of the operator of the system which is used primarily  
9 in connection with the system.

10 (2) Any collection or pretreatment storage facility not under  
11 the control of the operator that is used primarily in connection with  
12 the system.

13 (3) Any person who treats water on behalf of one or more  
14 public water systems for the purpose of rendering it safe for human  
15 consumption.

16 SEC. 7. Section 10913 of the Water Code is repealed.

17 SEC. 8. Section 10915 of the Water Code is amended to read:

18 10915. The County of San Diego is deemed to comply with  
19 this part if the Office of Planning and Research determines that all  
20 of the following conditions have been met:

21 (a) Proposition (C), as approved by the voters of the County of  
22 San Diego in November 1988, requires the development of a  
23 regional growth management plan and directs the establishment of  
24 a regional planning and growth management review board.

25 (b) The County of San Diego and the cities in the county, by  
26 agreement, designates the San Diego Association of Governments  
27 as that review board.

28 (c) A regional growth management strategy that provides for  
29 a comprehensive regional strategy and a coordinated economic  
30 development and growth management program has been  
31 developed pursuant to Proposition C.

32 (d) The regional growth management strategy includes a water  
33 element to coordinate planning for water that is consistent with the  
34 requirements of this part.

35 (e) The San Diego County Water Authority, by agreement with  
36 the San Diego Association of Governments in its capacity as the  
37 review board, uses the association's most recent regional growth  
38 forecasts for planning purposes and to implement the water  
39 element of the strategy.



1 (f) The procedures established by the review board for the  
2 development and approval of the regional growth management  
3 strategy, including the water element and any certification process  
4 established to ensure that a project is consistent with that element,  
5 comply with the requirements of this part.

6 ~~SEC. 9. Notwithstanding Section 17610 of the Government~~  
7 ~~Code, if the Commission on State Mandates determines that this~~  
8 ~~act contains costs mandated by the state, reimbursement to local~~  
9 ~~agencies and school districts for those costs shall be made pursuant~~  
10 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
11 ~~2 of the Government Code. If the statewide cost of the claim for~~  
12 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
13 ~~reimbursement shall be made from the State Mandates Claims~~  
14 ~~Fund.~~

15 (g) *The environmental documents for a project located in the*  
16 *County of San Diego include information that accomplishes the*  
17 *same purposes as a water supply assessment that is prepared*  
18 *pursuant to Section 10910.*

19 *SEC. 9. No reimbursement is required by this act pursuant to*  
20 *Section 6 of Article XIII B of the California Constitution because*  
21 *a local agency or school district has the authority to levy service*  
22 *charges, fees, or assessments sufficient to pay for the program or*  
23 *level of service mandated by this act, within the meaning of Section*  
24 *17556 of the Government Code.*